

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
PRIDE TECHNOLOGIES, LLC,	:	
	:	
Plaintiff,	:	19 Civ. 11315 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
DANIEL KHUBLALL,	:	
	:	
Defendant.	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on November 6, 2020, Defendant filed a motion (i) to seal Exhibits 3, 11, 14, and 25 to the Declaration of Debora A. Pitman (the “Pitman Declaration”) (Dkt. No. 95; temporarily sealed version at Dkt. No. 96), on the ground that Plaintiff produced and designated those documents as “Confidential” or “Highly Confidential”; (ii) to seal Exhibit 23 to the Pitman Declaration on the ground that non-party Pontoon Solutions, Inc. (“Pontoon”) produced and designated the document as “Confidential”; and (iii) to redact portions of Khublall’s Memorandum of Law (Dkt. No. 104; temporarily sealed version at Dkt. No. 105) and Rule 56.1 Statement (Dkt. No. 93; temporarily sealed version at Dkt. No. 94), that summarize, discuss or quote Exhibits 3, 11, 14, 23 and 25 (the “Motion”). Dkt. No. 91.

WHEREAS, pursuant to this Court’s Individual Rule I.D.3,

The party with an interest in confidential treatment bears the burden of persuasion [in a motion to seal]. If this party is not the filing party, the party with an interest in confidential treatment shall promptly file a letter on ECF within two business days in support of the motion [to seal], explaining why it seeks to have certain documents filed in redacted form or under seal.

WHEREAS, on November 9, 2020, the Court issued an Order directing Plaintiff and Pontoon Solutions, Inc. to file any letter in support of Defendant’s Motion by November 11, 2020. Dkt. No. 107.

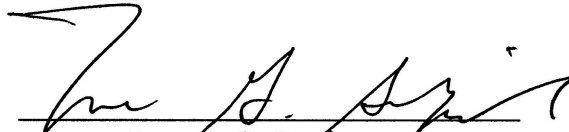
WHEREAS, Plaintiff filed no such letter.

WHEREAS, on November 11, 2020, Pontoon filed a letter withdrawing the pending Motion as to Exhibit 23 to the Pitman Declaration and indicating that Pontoon “has no objection to the document being filed publicly.” Dkt. No. 108. It is hereby

ORDERED that the Motion is **DENIED**. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (“[D]ocuments may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.”).

The Clerk of Court is respectfully directed to unseal the documents at Docket Nos. 94, 96, and 105.

Dated: November 23, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE